

**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

ORDER

Application 14600 Permit 8987 License 4234

**ORDER REDUCING RATE OF DIVERSION, ADDING
A MAXIMUM ANNUAL AMOUNT, CORRECTING THE DESCRIPTIONS OF
THE POINT OF DIVERSION AND PLACE OF USE, AND ADDING TERMS
REGARDING A MEASURING DEVICE, CONTINUING AUTHORITY, WATER
QUALITY OBJECTIVES AND ENDANGERED OR THREATENED SPECIES**

WHEREAS:

1. License 4234 was issued to Robert A. Jamison on March 21, 1956, pursuant to Application 14600 and was recorded with the County Recorder of Santa Barbara County on March 30, 1956.
2. License 4234 was subsequently assigned to Robert G. Jamison, Barbara M. Jamison, and Madelyn G. Jamison on December 7, 1959 and to NACO West on June 19, 1989.
3. The Division of Water Rights (Division) conducted an inspection of the project covered by License 4234 on June 30, 1999. As a result of this inspection, the Division will change the records to show ownership of License 4234 in the name of U.S. Trails. This inspection also determined that the beneficial use of water under this license has declined, and the descriptions of the place of use and the point of diversion require correction.
4. The State Water Resource Control Board (SWRCB) will also add its standard continuing authority term, water quality objective term and a term to prevent any act which results in the taking of a threatened or endangered species that have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

The following terms and conditions be added to License 4234:

1. The amounts authorized to be diverted under this license are changed to:

- (a) eight tenths (0.8) cubic feet per second by direct diversion from March 15 to November 15 of each year for all uses; and (b) eleven-hundredths (0.11) cubic foot per second by direct diversion throughout the remainder of the year for domestic and stockwatering uses. The maximum amount diverted under this license for all uses shall not exceed 228 acre-feet per year.
2. The description of the point of diversion covered under this license is corrected as follows:
- By California Coordinate System of 1927, Zone 5, North 383,953 feet and East 1,467,651 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 1, T5N, R28W, SBB&M.
3. The description of the place of use served by the license is corrected as follows:
- Domestic, stockwatering and fire protection uses at Rancho Oso within projected Sections 1 and 12, T5N, R28W, SBB&M and irrigation as follows:
- 4.3 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 1, T5N, R28W, SBB&M.
4.6 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 1, T5N, R28W, SBB&M.
16.8 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 1, T5N, R28W, SBB&M.
9.7 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 1, T5N, R28W, SBB&M.
7.6 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 12, T5N, R28W, SBB&M.
17.0 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 12, T5N, R28W, SBB&M.
60.0 acres total, as shown on map on file with the State Water Resources Control Board.
4. The following measuring device and monitoring term is added to License 4234:
- No water shall be diverted under this license until the licensee installs and maintains an in-line flow meter, acceptable to the Division, that is capable of measuring the cumulative amount diverted under this license. Licensee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these monthly records with the triennial report of licensee, or whenever requested by the Division.
- 0100900
5. The following term regarding fire protection use is added to this license as follows:
- The right to use water for fire fighting purposes authorized by this license is limited to that quantity normally necessary for actual fire fighting.
- 0000116

6. A water quality objectives term is added to this license as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the California Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

7. The continuing authority condition is updated for this license as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to:

(1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or

restore the uses protected by the public trust.

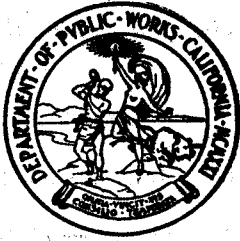
8. An endangered species term is added to this license as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (California Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Dated: OCT 23 2000

A handwritten signature in black ink, appearing to read 'Harry M. Schueller', is written over the printed name.

Harry M. Schueller, Chief
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 11600

PERMIT 8987

LICENSE 4234

THIS IS TO CERTIFY, That Robert A. Jamison
Rancho Oso, Star Route
Santa Barbara, California
has made proof as of May 27, 1955,
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Santa Ynez River (underflow) in Santa Barbara County

Notice of Assignment (Over)

tributary to Pacific Ocean

for the purpose of irrigation, domestic, stockwatering and fire protection uses
under Permit 8987 of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from December 12, 1951;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed one and thirty-four hundredths
(1.34) cubic feet per second to be diverted as follows: (a) from about March 15
to about November 15 of each year for irrigation purposes, and (b) throughout the
year as required for domestic, stockwatering and fire protection purposes.

The equivalent of such continuous flow allowance for any thirty day period
may be diverted in a shorter time if there be no interference with other vested
rights.

The point of diversion of such water is located north thirty-two degrees, thirty minutes
east (N32°30'E) one hundred fourteen (114) feet from NE corner of SW1/4 of NE1/4
of SW1/4 of Section 1, T5N, R28W, SBB&M, being within NE1/4 of SW1/4 of said
Section 1.

A description of the lands or the place where such water is put to beneficial use is as follows:

5.5 acres within NW1/4 of SW1/4 of Section 1, T5N, R28W, SBB&M
4.0 acres within NE1/4 of SW1/4 of Section 1, T5N, R28W, SBB&M
8.0 acres within SW1/4 of SW1/4 of Section 1, T5N, R28W, SBB&M
16.5 acres within SE1/4 of SW1/4 of Section 1, T5N, R28W, SBB&M
10.0 acres within SW1/4 of SE1/4 of Section 1, T5N, R28W, SBB&M
7.0 acres within NW1/4 of NW1/4 of Section 12, T5N, R28W, SBB&M
19.0 acres within NE1/4 of NW1/4 of Section 12, T5N, R28W, SBB&M
10.0 acres within NW1/4 of NE1/4 of Section 12, T5N, R28W, SBB&M
<u>80.0 acres total</u>

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

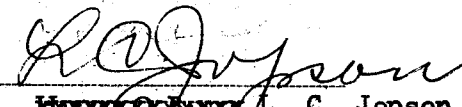
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public Works of the State of California, this 21st day of March, 1956

HARVEY O. BANKS,
~~Assistant State Engineer~~, State Engineer

By 
~~Harvey O. Banks~~ L. C. Jopson
Assistant State Engineer



12-7-57 RECEIVED NOTICE OF ASSIGNMENT TO Barbara M. +
Madelyn S. Jamison
6-19-89 Asgd to NACO West

LICENSE 4234

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Robert A. Jamison

DATED MAR 21 1956

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